

REMARKS

Sua sponte the Examiner withdrew claims 10 and 15 from consideration, despite the fact that, in the original restriction requirement, the Examiner himself specifically pointed out that these claims belonged in the now elected group. Nonetheless, this issue seems to be moot since claim 9 should now be allowable, and claim 9 is generic to claims 10-15. Since the generic claim is now allowable, a reasonable number of dependent claims should be includable with that allowable generic claim.

Claims 9 and 14 were rejected under Section 103 as unpatentable over Hannah. The propriety of a single reference 103 rejection is certainly doubtful since the reference cannot teach something different than the claimed invention and also how to modify itself to reach the claimed invention. But this point may also be moot since Hannah is assigned to the assignee of the present application.

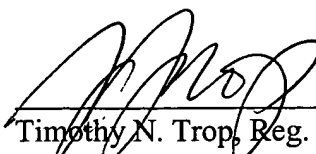
Since Hannah was filed in January 2001 and issued in March 2002 and the parent of the present application was filed in February 2002, the only way the present application could be prior art would be under § 102(e). Pursuant to M.P.E.P. 706.02(l)(2), the attorney of record hereby states that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Therefore, the Section 103 rejection is overcome.

In view of these remarks, the application should now be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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